

The Southern Counties

Street Rights

Fourteen cities, seven counties and the State of California last week marshalled forces, went before the State Supreme Court, in session at San Francisco, and filed a brief with Chief Justice William H. Waste requesting opinion on a legal point, the decision on which they knew would have a tremendous and far-reaching effect upon municipalities, counties, property owners. The legal point: When cities and counties desire to cut streets and highways through private property restricted to residential purposes, which has the priority of rights—the cities and counties, or the property owners?

The appellate court was aware that the point in question never before had been tested by any court in the U. S. They believed, too, that unless they are allowed the right to appropriate property, under legal machinery (condemnation suits), for streets and highways, "the entire highway development of the whole State" would be paralyzed, if not completely annulled. The reason for their alarm:

One H. J. Friesen and his wife Helen bought a lot in a new subdivision at Glendale. When they purchased the property they were told by real estate men that it was residential in character, and the deed confirmed this statement. But the City of Glendale soon after decided to cut a public street through their lot; started condemnation suits against Friesen & wife. Remembering that their deed contained a residential restriction clause, they went to the Los Angeles Superior Court, obtained there an order restraining the city from constructing the street. When the Superior Court took up the case, had decided its merits, and then in order to condemn the property, the city would be obliged to name as the defendants all persons interested in lots in the entire subdivision; that the City of Glendale would have to pay damages to each and every person interested in the tract.

The City of Glendale knew that from this decision it would cost much money to satisfy all property owners in the tract. It wanted to construct the street; saw, too, that future street activities would be imperiled by this ruling. Therefore it took the case to the State District Court of Appeals, sought a reversal of the Superior Court's decision. But the appellate court sustained the lower court's opinion.

When other cities heard of the ruling they joined together with Glendale, sought the aid of counties, finally last week the State, thus marshalled and allied, the State, counties, cities, in their brief filed last week, not only claimed that the entire highway development of the State would be paralyzed both physically and financially, but also pointed out the complications which would arise from the situation:

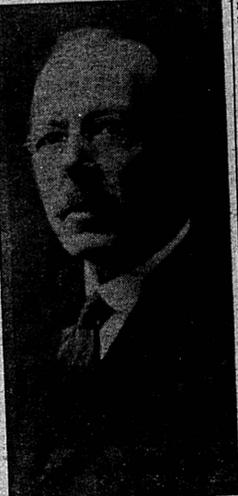
If the State, a county, or city wished to build a highway through a subdivision containing 500 lots restricted to residential purposes, there would be 24,950 defendants in a condemnation suit. If only one person had an interest in each lot. Added to this would be the impossibility of serving papers on all the defendants.

The counties joining in the appeal: Los Angeles, Alameda, Kern, Sacramento, San Bernardino, San Diego, San Joaquin. The cities: Oakland, Sacramento, Arcadia, Beverly Hills, Burbank, Claremont, El Monte, Fontana, Long Beach, Pasadena, Pomona, San Bernardino, San Diego, and Santa Ana.

Trees, Poppies

For many a month have Azusa's City Planning Commission, City Council wanted to make more beautiful the streets of their city; thought to do this by running north and south. Less enthusiastic were Azusa's citizens. Plaintively they petitioned that the proposed assessment of \$15 to a 50-foot lot was excessive, that anyway trees should not be planted in autumn (News Review, Oct. 7-13).

Last week Superior Judge Gates hearkened to the plea of Azusa residents for an injunction against the tree-planting project; frowned, denied the request. He told City Attorney P. J. Tschanner that the City Council has been in the right, that they might proceed as they



CHIEF JUSTICE WASTE
The State, 14 cities, 7 counties.

had originally intended with their arboreal plans.

In Torrance, garden clubs last week assembled, mapped out an extensive campaign of civic beautification. All parkways approaching the city are to be planted with shrubs, all vacant lots are to be decked with golden poppies, California's flamboyant flower. Already under way is the poppy project. When once it is in full swing, interest will turn to the shrubbery planting. High school agriculture classes are to be commissioned with the growing of the shrubs.

In Ventura, Action

When the Ventura County Harbor Commission, distressed by constant political haggling over the selection of Hueneume as the site for the County's proposed \$2,000,000 harbor project, early in November sought to put an end to strife and discord by calling the bond election; thus deciding once and for all the County's will, its activities were spiked, cut short by the City of Ventura, long unfavorable toward the Hueneume site, when Ventura presented a claim that the commission had no jurisdiction to call the election. The election held up, the matter of jurisdiction was referred to District Attorney Hollingsworth.

For two weeks, the harbor commission waited for Attorney Hollingsworth to render a decision. After two weeks had passed by, with no word from the District Attorney, the harbor commission last week decided on its own initiative, without Hollingsworth's advice, to force the County Board of Supervisors to call the election on determinative call of the people, in accordance with the mandate of the Special Harbor Act of the last Legislature. The harbor commission, besides its original legal representative, Francis Price of San Barbara, lately employed as legal adviser the firm of Farrand (Gen. C. Federal Farm Board adviser) C. Slosson, Los Angeles, who drafted the special legislative act.

The resolution to force County supervisors to hold the bond election: "Resolved, That the attorney for the Ventura County Harbor District be authorized, directed to commence such legal proceedings as they may deem necessary to cause the Board of Supervisors of Ventura County to call a special election on the proposition of incurring a bonded indebtedness of said Harbor District in the sum of \$2,000,000."

Riverside's Mayor

Last month Riverside held its primary elections for mayor. Two men were competing in the race. One was incumbent Mayor Joseph S. Long; the other was former political chief S. Long. Political wisecracks in Riverside predicted a sweeping victory for popular Mayor Long. But in the service of Prater were many hard-working, zealous supporters, who speech-

made, pulled strings, worked many a publicity gag for their candidate. Regardless of the work of Prater supporters, however, Long won the primary election, but not by any sweeping victory. The final returns read: Long, 3328; Prater, 2960; a third candidate, Frank Grayson, received 76 votes.

Still zealous, and somewhat pleased over the good showing of Prater, his partisans still had hopes of placing their man in office, at least of giving him another chance.

Meanwhile Riverside's City Clerk Mills began making out sample ballots for the final election. Knowing that Long had decisively won the primary election, Mills saw no reason for putting Prater's name on the ballot again if he was only to be defeated. So when the sample ballots came out, the only name upon them was that of J. S. Long.

Prater men did not like this procedure, were angry. They filed a writ of mandamus against Mills and the City of Riverside, demanding that the name of Prater be placed alongside that of Long on the ballot. The writ was thrown out of Superior Judge Warner's court (News Review, Nov. 11-17).

Last week came the day for final election of Mayor.

Long appeared on one name—Joseph S. Long. Still undismayed after all their demands to have Prater's name on the ballot, Prater partisans staged a dramatic eleven-hour write-in campaign, intent on keeping Long from office, electing in his place Mr. Prater. But although Prater's fight was valiant, and brought him over 2000 votes, the final count of the returned ballots gave incumbent Mayor Long a majority of approximately 600 votes, allowed him to keep his accustomed desk in the Riverside City Hall.

More Fire Suits

Following in the wake of five interests who last fortnight filed suits against the Southern California Edison power line damages sustained last September by a brush and forest fire caused by a broken Edison power line (News Review, Nov. 18-24), three oil companies added themselves last week to those seeking indemnification for damaged property. They were: The Pacific Oil Company, \$40,000; Ojai Oil Company, \$8000; and Santa Maria Crude Oil Company, \$4000. Altogether, the total amount asked of the Edison Company by the owners of burned property is \$150,000.

Covered completely in this matter by insurance, the Edison company immediately referred the plaintiffs to its insurance company. Adjusters, however, are reported to be quite unsympathetic with the plaintiffs, thus far have declined to settle the losses. The only money paid out so far by the Edison company was to Ventura County and the National Fire Service to cover the cost of fighting the fire.

Trial Postponed

In San Bernardino County last month five Communist women were charged with conspiracy to fly the Red flag, with operating an unlicensed home for children. They were tried at first court, convicted, sentenced to serve from six months to five years in the Quentin. Glowering, the five filed appeals, a awaited developments. Came a development, unexpectedly. District Attorney George H. Johnson announced another hearing, declared that to be tried on the women's charge: that of operating an unlicensed home for children, the Yucaipa Children's Camp (News Review, Nov. 11-17).

Last week the five convicted women and one Sara Cutler, not sentenced in the earlier trial, were sent into court in Redlands. Included in their number was 20-year-old Yetta Stromberg, slight feminine slip weighing 100 pounds, one-time student at the University of California at Los Angeles. The others: Jennie Wolfson, Emma Schuderman.

Defense Counsel John Beardsley, Los Angeles expert on constitutional law, denied the present applicability of the 1903 law demanding State permits for camps; contended that it applied to established, permanent homes for children. Prosecuting Attorney Johnson claimed the three-sun-mer-old Yucaipa Red camp had



J. W. REAGAN
He wanted censorship.

been a "permanent home." He told Judge C. G. Potter he had been unable to subpoena all his witnesses, asked for a continuance of the trial until December 4. Judge Potter waived aside the defense's protests, granted the prosecution's request.

Orange's Invitation

Athletes, who in the course of their performances must travel long distances, often experience difficulty in becoming acclimated in new locations, cannot perform as well as usual.

Knowing this, members of the Orange County Coast Association met last week at San Clemente to discuss the coming Olympic Games, other parts of the Southern California from all parts of Europe, California from all parts of North America. Captain Haakon Hammer, former secretary of the San Clemente Chamber of Commerce, noted that the climate of Orange County, particularly along the coast line, more nearly approaches that of European countries than any other spot in America. Therefore, the Orange County Coast Association issued for publication the statement that teams from foreign countries entered in the 1932 Olympic Games were invited to train in Orange County.

To arouse interest among European athletes in using Orange County for their American training grounds, Captain Hammer last week prepared to travel to Europe, there to personally interest Olympic organizations to send their men to Orange County several months in advance of the games so that they might become thoroughly acclimated.

2 Water Projects

At San Diego and at Chatsworth (Los Angeles) last week engineers were working out problems concerning water supply and control. In the southerly county, in accordance with schemes of the city of San Diego, State Engineer Hyatt tentatively approved of plans to strengthen the buttresses and enlarge the spillway of the Lake Hodges Flood Dam. To see this work through will cost the city approximately \$150,000.

In the northern end of Los Angeles County engineers and a crew of surveyors have been working three shifts a day for several weeks, ascertaining proper locations for a series of proposed dams around Chatsworth Lake. When the dams are finished they are expected to increase the capacity of the Chatsworth reservoir by 36,000. Because the greater single problem since the St. Francis dam disaster has been to provide water storage within the Los Angeles district (News Review, Sept. 16-22), authorities were looking forward to a speedy completion of work at Chatsworth.

3 Out of 4

Of the nine county-appointed engineers, geologists who for more than a fortnight have wiggled their way through a network of narrow, pick-scared passages especially dug for them to investigate the San Gabriel Dam site foundation, four last week came to the surface, certain in their own minds of their decision in the matter. After a week of poking, chipping, peering at the sides of the dimly lit rock formations in the tunnels, three out of the four were convinced that a "high dam" could be built safely in San Gabriel Canyon; the fourth investigator brought the only adverse report.

The first of the favorable reports from consultants came from J. F. Safley, former official of the Federal Reclamation Service. He told County Supervisors: "The recent landslide on the west abutment wall of the site did not make the location unfit for a high dam. By removing a necessary portion of the slide, which is really only part of an ancient landslide, rock will be found which will easily support a high dam. Unwarranted propaganda has been used in citing false and totally unreliable statements concerning foundation conditions at the dam site."

Professor Andrew Lawson, geologist, who, since first the site was examined (in 1925) has been in favor of it, last week again pronounced it "absolutely safe." Said Lawson: "There is nothing to fear from a failure of the underlying rock to support the dam. The possibility of a fault movement below the dam is as remote as a person being struck by lightning. Engineer Eaton has been unfortunate in the (adverse) geological advice he received."

After a thorough browsing under and above the foundation site, J. W. Reagan, former chief flood control engineer of Los Angeles County, sat down, took up his pen, penned the third favorable report of the week. His report, in effect: "There is no reason for alarm concerning rock formations on the site: At the recommended depths for the foundation, the rock will afford an excellent foundation for the dam." Therefore, Reagan recommended that work be resumed at once, and in recommending this, Reagan accorded the supervisors for halting the work in the first place. It was a mistake, said Reagan, to halt work on the dam, and to call in State Engineer Hyatt. The supervisors should have waited until the work had progressed to a point where county engineers considered the foundation completed; then they could have submitted the finished work to the State for its approval. Reagan also took the supervisors to task for not submitting reports to be passed on by the board to take absolute control of all press publicity concerning dam operations.

After three optimistic reports, those favoring the dam began to brighten up, saw hope for an ultimate realization of the cherished high dam at San Gabriel. But as a hope-shatterer, F. H. Fowler, played a perfect role. He shattered the dreams of "high dam" proponents in no uncertain manner with the following report: 1) The site is not safe for the construction of the concrete gravity dam now under contract, 62 feet from foundation bed rock. 2) The site is not safe for the construction of the somewhat lower concrete gravity dam 445 feet from the assumed foundation bed rock. 3) The site, in short, is unsafe for the construction of any concrete gravity dam of sufficient height to develop economic storage.

The San Gabriel Valley Development Association, most interested of all in assuring itself of the safety of the site, employed one H. A. Cory, eminent engineer on an international reputation, to go a-burrowing with the county's investigators, bring them back a detailed report. Cory's report, in brief: The identical geological formations of the mountains and dam site at San Gabriel also exist everywhere else where it has built dams. The rock of the San Gabriel site is exclusively granite - crystalline in formation and unaffected by water.

Many were pleased with the reports of the county's men, but as for Los Angeles County Super-